

REMARKS

The above-identified patent application has been amended and Applicant respectfully requests the Examiner to reconsider and again examine the claims as amended in accordance with the provisions of 37 C.F.R. §1.116.

Claims 1-22 and 37-43 are pending in the application. Claims 1-22 and 37-43 are allowed. Claims 23-36 are rejected. Claims 23-36 are canceled herein without prejudice.

The Rejections under 35 U.S.C. §101

The Examiner rejects Claims 23-36 under 35 U.S.C. §101 as containing non-statutory subject matter. The Examiner uses “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility” published in the Official Gazette on November 22, 2006 (hereafter, the Official Gazette) as a basis for his rejection of Claims 23-36. The Official Gazette describes signals to be non-statutory subject matter. The Examiner asserts that the disclosure suggests that the claimed “computer program medium includes signals.”

Claims 23-36 are canceled herein without prejudice. Thus, the rejection of Claims 23-36 is now moot.

In view of the above Amendment and Remarks, Applicant submits that the claims and the entire case are in condition for allowance and should be sent to issue and such action is respectfully requested.

It is submitted that this amendment places the application in condition for allowance or in better form for consideration on appeal, and thus, entry of this amendment is respectfully requested under the provisions of 37 C.F.R. §1.116.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845, including but not limited to, any charges for extensions of time under 37 C.F.R. §1.136.

Respectfully submitted,

Dated: Dec 18, 2006

DALY, CROWLEY, MOFFORD & DURKEE, LLP

By: 

Kermit Robinson

Reg. No. 48,734

Attorney for Applicant(s)  
354A Turnpike Street - Suite 301A  
Canton, MA 02021-2714  
Tel.: (781) 401-9988, Ext. 24  
Fax: (781) 401-9966  
*kr@dc-m.com*